



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
MARY, et al

Examiner: L. Maier

Application No.: **10/849,356**

Art Unit: 1623

Filed: **May 19, 2004**

Certificate of Mailing or Transmission

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop address below, or being facsimile transmitted to the USPTO, on the date indicated below.

Date of Deposit August 26, 2004

Printed Name of Person Signing Certificate Bonnie Stein

Signature Bonnie Stein

Title: **Novel Therapeutic Application of
Enoxaparin**

Mail Stop
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

This preliminary amendment is being filed in the above-identified continuation application in order to advance the prosecution thereof. Thus, the parent application (09/752,926), which has been under appeal, is being replaced by the present application in order to better deal with the issues raised by the documents relating to that appeal. The parent application has been withdrawn, and the appeal accordingly mooted.

REMARKS

The final rejection in the parent application, adhered to in the Examiner's Answer, was to the effect that the presently claimed invention is anticipated by the disclosure of Pratt et al., discussed below.

The present application is directed to the use of enoxaparin in the treatment of cerebral ischemia. This is a complex pathological condition linked to a total or partial loss of vascularization of a brain area. The deprivation of oxygen and the resulting inflammation and biochemical disorders can lead to cellular death and then to cerebral infarction. Cerebral ischemia is the consequence of a local arterial occlusion or embolism.

By contrast, Pratt et al. (Haemostasis, 1998, 28: 78-85) investigated the effect of enoxaparin on edema following a photothrombic injury in the rat. Thus, PRATT and the present invention do